

REMARKS

Applicants respectfully request entry of the following amendments and remarks contained herein in response to the final Office Action mailed June 29, 2006. Applicants respectfully submit that the amendment and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 21 – 24, 26 – 31, 33 – 38, and 40 remain pending. In particular, Applicants amend claims 21, 26, 28, 33, 35, and 40 and cancel claims 25, 32, and 39 without prejudice, waiver, or disclaimer. Applicants cancel claims 25, 32, and 39 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicants first wish to express their sincere appreciation for the time that Examiner Patel spent with Applicants' Attorney, Anthony Bonner, during a telephone discussion on August 24, 2006 regarding the outstanding Office Action. During that conversation, Examiner Patel and Mr. Bonner discussed potential amendments with regard to claim 21. More specifically, Mr. Bonner suggested amending the element of claim 21 beginning with "connecting a communication between the subscriber and the caller..." While no agreement was met, Applicants respectfully request that Examiner Patel carefully consider this response and the amendments.

II. Double Patenting

The Office Action indicates that claims 21 – 27 are rejected under the judicially created doctrine of nonstatutory double patenting as being allegedly unpatentable over claims 1 – 5 of U.S. Patent Number 6,650,740. The Office Action also indicates that claims 28 – 34 are rejected under the judicially created doctrine of nonstatutory double patenting as being allegedly unpatentable over claims 6 – 11 of U.S. Patent Number 6,650,740. Applicants agree to file a terminal disclaimer at the time of allowance.

III. Rejections Under 35 U.S.C. §112

The Office Action indicates that claims 35 – 40 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In response to the Office Action's request, Applicants amend claim 35. Applicants submit that this amendment complies with the Office Action's request and that claims 35 – 40 are in condition for allowance.

IV. Rejections Under 35 U.S.C. §102

A. Claim 21 is Allowable Over *Shaffer*

The Office Action indicates that claim 21 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Number 6,567,507 ("*Shaffer*"). Applicants respectfully traverse this rejection on the grounds that *Shaffer* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 21 recites:

A method to make a reply call to a voice mail message,
comprising:

receiving a communication request from a voicemail server, the communication request resulting from a subscriber accessing a voicemail message created by a caller via the voicemail server and further resulting from the subscriber sending a command to connect the subscriber with the caller;

connecting a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes *routing the communication through a directory number associated with the subscriber*, such that the communication appears to originate from the directory number associated with the subscriber *to facilitate creation of a billing record entry associated with the directory number*; and

in response to an indication to disconnect the communication between the subscriber and the caller, reconnecting the subscriber with the voicemail server. (*emphasis added*)

Applicants respectfully submit that *Shaffer* fails to disclose, teach, or suggest all of the elements of claim 1, as amended. More specifically *Shaffer* appears to disclose a “re-call protocol element [that] can also include call routing information, such as a phone number, permitting the switch 22 to automatically connect the transferred call to the terminal device of another party” (col. 3, line 52). However, nowhere in this passage, nor elsewhere in *Shaffer* is there disclosed a “method to make a reply call to a voice mail message, comprising... connecting a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes *routing the communication through a directory number associated with the subscriber*, such that the communication appears to originate from the directory number associated with the subscriber *to facilitate creation of a billing record entry associated with the directory number*” as recited in claim 1, as amended. For at least this reason, claim 1, as amended, is allowable over the cited art.

B. Claim 28 is Allowable Over *Shaffer*

The Office Action indicates that claim 28 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Shaffer*. Applicants respectfully traverse this rejection on the grounds that *Shaffer* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 28 recites:

A system for making a reply call to a voice mail message, comprising:

a receiving component configured to receive a communication request from a voicemail server, the communication request resulting from a subscriber accessing a voicemail message created by a caller via the voicemail server and further resulting from the subscriber sending a command to connect the subscriber with the caller;

a connecting component configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein facilitating a communication between the subscriber and the caller includes *routing the communication through a directory number associated with the subscriber*, such that the communication appears to originate from the directory number associated with the subscriber *to facilitate creation of a billing record entry associated with the directory number*; and

a reconnecting component configured to, in response to an indication to disconnect the communication between the subscriber and the caller, reconnect the subscriber with the voicemail server. (*emphasis added*)

Applicants respectfully submit that *Shaffer* fails to disclose, teach, or suggest all of the elements of claim 28, as amended. More specifically *Shaffer* appears to disclose a “re-call protocol element [that] can also include call routing information, such as a phone number, permitting the switch 22 to automatically connect the transferred call to the terminal device of another party” (col. 3, line 52). However, nowhere in this passage, nor elsewhere in *Shaffer* is there disclosed a “system for making a reply call to a voice mail message, comprising... a connecting component configured to facilitate a communication between the subscriber and the

caller without utilization of the voicemail server, wherein facilitating a communication between the subscriber and the caller includes *routing the communication through a directory number associated with the subscriber*, such that the communication appears to originate from the directory number associated with the subscriber *to facilitate creation of a billing record entry associated with the directory number*” as recited in claim 28, as amended. For at least this reason, claim 28, as amended, is allowable over the cited art.

C. Claim 35 is Allowable Over Shaffer

The Office Action indicates that claim 35 stands rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Shaffer*. Applicants respectfully traverse this rejection on the grounds that *Shaffer* does not disclose, teach, or suggest all of the claimed elements. More specifically, claim 35 recites:

A computer readable medium configured to facilitate initiation of a reply call to a voice mail message, comprising:

logic configured to receive a communication request from a voicemail server, the communication request resulting from a subscriber accessing a voicemail message created by a caller via the voicemail server and further resulting from the subscriber sending a command to connect the subscriber with the caller;

logic configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes *routing the communication through a directory number associated with the subscriber*, such that the communication appears to originate from the directory number associated with the subscriber *to facilitate creation of a billing record entry associated with the directory number*; and

logic configured to, in response to an indication to disconnect communication between the subscriber and the caller, reconnect the subscriber with the voicemail server. (*emphasis added*)

Applicants respectfully submit that *Shaffer* fails to disclose, teach, or suggest all of the elements of claim 35, as amended. More specifically *Shaffer* appears to disclose a “re-call protocol element [that] can also include call routing information, such as a phone number, permitting the switch 22 to automatically connect the transferred call to the terminal device of another party” (col. 3, line 52). However, nowhere in this passage, nor elsewhere in *Shaffer* is there disclosed a “computer readable medium configured to facilitate initiation of a reply call to a voice mail message, comprising... logic configured to facilitate a communication between the subscriber and the caller without utilization of the voicemail server, wherein connecting a communication between the subscriber and the caller includes ***routing the communication through a directory number associated with the subscriber***, such that the communication appears to originate from the directory number associated with the subscriber ***to facilitate creation of a billing record entry associated with the directory number***” as recited in claim 35, as amended. For at least this reason, claim 35, as amended, is allowable over the cited art.

D Claims 22 – 23, 25, 27, 29 – 30, 32, 34, 36 – 37, and 39 are Allowable Over *Shaffer*

The Office Action indicates that claims 22 – 23, 25, 27, 29 – 30, 32, 34, 36 – 37, and 39 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Shaffer*. Applicants respectfully traverse this rejection on the grounds that *Shaffer* does not disclose, teach, or suggest all of the claimed elements. More specifically, dependent claims 22 – 23, 25, and 27 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 21. Further, dependent claims 29 – 30, 32, and 34 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 28. Dependent claims 36 – 37

and 39 are believed to be allowable for at least the reason that these claims depend from allowable independent claim 35. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

V. Rejections Under 35 U.S.C. §103

A. Claims 24, 31, and 38 are Allowable Over *Shaffer* and further in view of *Ekstrom*

The Office Action indicates that claims 24, 31, and 38 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shaffer* and further in view of U.S. Patent Number 6,148,069 (“*Ekstrom*”). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* further in view of *Ekstrom* fails to disclose, teach, or suggest all of the elements of claims 24, 31, and 38. More specifically, dependent claim 24 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 21. Further, dependent claim 31 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 28. Dependent claim 38 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 35. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

B. Claims 26, 33, and 40 are Allowable Over *Shaffer* and further in view of *Berberich*

The Office Action indicates that claims 26, 33, and 40 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shaffer* and further in view of U.S. Patent Number 5,818,919 (“*Berberich*”). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* further in view of *Berberich* fails to disclose, teach, or suggest all of the elements of

claims 26, 33, and 40. More specifically, dependent claim 26 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 21. Further, dependent claim 33 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 28. Dependent claim 40 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 35. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

C. Claims 27 and 34 are Allowable Over *Shaffer* and further in view of *Albers*

The Office Action indicates that claims 27 and 34 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Shaffer* and further in view of U.S. Patent Number 6,229,887 (“*Albers*”). Applicants respectfully traverse this rejection for at least the reason that *Shaffer* further in view of *Albers* fails to disclose, teach, or suggest all of the elements of claims 27 and 34. More specifically, dependent claim 27 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 21. Further, dependent claim 34 is believed to be allowable for at least the reason that this claim depends from allowable independent claim 28. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anthony F. Bonner Jr.', is written over a horizontal line.

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